WPMS No. 2242 of 2001

Hon. P.C. Verma, J.

This writ petition has been filed by the petitioner, seeking writ of mandamus to command the respondent no. 1 to decide the revision of the petitioner under the excise Act, namely, Bhuwan Pande versus Excise Commissioner the revision is for grant of FL- 2 licence and the same ought to have been decided expeditiously in case, the grant of licence is delayed, that will reduce the period of licence.

Considering the facts and circumstances of the case, I direct the state of Uttaranchal through Excise Secretary, Dehradun to decide the revision of petitioner within three weeks from the date of production of a certified copy of this order.

In view of above, the petition is disposed of finally.

(P.C. Verma, J.)

11.6.2001
P.Singh.

Court No. 1

Civil Misc. Application No. 1508 of 2001
Bhuwan Pandey ……..Petitioner
Versus
State of Uttaranchal & another ….Respondents.

Hon'ble P.C. Verma, J.

This is an application by state of Uttaranchal through learned chief standing counsel seeking recall of the order dated 11.6.2001, by which the writ petition was finally disposed of, giving a direction to the revisional authority to decide the revision expeditiously. The main ground taken in the affidavit in support of the application is that the matter is cognizable by the Division Bench. The basis of the application is misconceived. Since the revision was pending, therefore, supervisory jurisdiction was invoked under Article 227 of the Constitution of India and in such matter the Single Judge is competent to issue mandamus to the subordinate court or Tribunal to decide the matter expeditiously. The averment made in Para – 4 of the affidavit that Sri Akhilesh Kalra who is practicing at Lucknow made a mention that the case may be taken up in the court on 11.6.2001 is also basis of this application. Such statement or averment is not warranted on behalf of the learned Chief Standing Counsel which is highly deprecated. The writ petition has been disposed of and Court has become functus officio. The application is also liable to be rejected on this score.

The application is, accordingly, rejected.

04.07.2001
P.Singh

(P.C. Verma, J.)